

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YETI Coolers, LLC,

Plaintiff,

v.

Glacier Coolers, LLC,

Defendant.

Civil Action No. 1:17-cv-00109-RP

Judge Robert L. Pitman

CONSENT JUDGMENT

Plaintiff, YETI Coolers, LLC (“YETI”), filed civil action number 1:17-cv-00109-RP in the Western District of Texas, against defendant, Glacier Coolers, LLC (“Glacier”), asserting claims for (1) trade dress infringement in violation of 15 U.S.C. § 1125(a); (2) trade dress dilution in violation of 15 U.S.C. § 1125(c); (3) unfair competition and false designation of origin in violation of 15 U.S.C. § 1125(a); (4) trade dress dilution in violation of the Texas Business & Commerce Code § 16.103; (5) common law trade dress infringement; (6) common law unfair competition; (7) common law misappropriation; and (8) unjust enrichment. YETI duly served its Complaint on Glacier on February 16, 2017, and Glacier filed its Answer on April 10, 2017. Glacier now stipulates and consents to the Court’s entry of this Consent Judgment.

NOW THEREFORE, upon consent of the parties, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Court has subject matter jurisdiction over this action pursuant to at least 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331, 1338(a) & (b), and 1367(a).

2. This Court has personal jurisdiction over Glacier and venue is proper in this judicial district at least because, inter alia, Glacier is doing business in the State of Texas, including in this District.

3. Glacier offered for sale hard cooler products that YETI accused of violating YETI's intellectual property rights (collectively the "Accused Hard Coolers").

4. YETI owns all right, title, and interest in and to the trade dress of the YETI[®] Roadie[®] and YETI[®] Tundra[®] coolers, including the overall look and appearance of the YETI[®] Roadie[®] and YETI[®] Tundra[®] coolers and all common law trademark and trade dress rights in the YETI[®] Roadie[®] and YETI[®] Tundra[®] coolers. The YETI[®] Roadie[®] and YETI[®] Tundra[®] coolers trade dress is hereafter referred to as the "YETI Trade Dress."

5. Out of respect for YETI's product designs and rights in the YETI Trade Dress, Glacier never sold any of the Accused Hard Coolers and agrees not to sell products like the Accused Hard Coolers.

6. Glacier shall not at any time manufacture, have manufactured on its behalf, offer to sell, sell, use, import, purchase, promote, or distribute – whether directly or indirectly – (a) any of the Accused Hard Coolers or products with the same model names or numbers (including the same Amazon Standard Identification Numbers, Stock Keeping Unit numbers, Universal Product Codes, or any other identifying numbers or names), (b) any product that includes trade dress that is confusingly similar to the YETI Trade Dress, or (c) any product that is likely to cause confusion, mistake, or to deceive as to the affiliation, connection, or association of Glacier with YETI, or as to the source, origin, sponsorship, or approval of the product by YETI.

7. Each party shall bear its own costs and attorney fees.

8. This Court shall retain jurisdiction over the parties for the purpose of enforcing the terms of this Consent Judgment.

9. This Consent Judgment represents a final adjudication of all claims, counterclaims, and defenses that were, or could have been, brought between YETI and Glacier in this case. This Consent Judgment is intended to be final and shall bind YETI and Glacier on all issues that were or could have been litigated in this proceeding, and YETI and Glacier shall not appeal any issue from this proceeding.

SO ORDERED:



United States District Judge

Dated: February 8, 2018

Consented and Agreed to:

By: /s/ John A. Webb Jr.

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Date: 1/12/2018

Robert D. Cook
Signed for Glacier Coolers, LLC

Name: Robert D. Cook

Title: President & CEO

Date: 1-12-18